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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,307	06/29/2001	Hong Jiang	ITL.2067US (P10579)	2386

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EXAMINER	
CZEKAJ, DAVID J	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
05/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/895,307	JIANG, HONG	
	Examiner	Art Unit	
	DAVID CZEKAJ	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-14,16-19,21-25,27,28 and 41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-14,16-19,21-25,27,28 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as set forth below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 11-14, 16-19, 21-25, 27-28, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. (6700933), (hereinafter referred to as "Wu") in view of Keith (5329318).

As for Claim's 11, 12, 16, 17, 21-25, 27-28, and 41, Wu et al. teaches a method and system for encoding and decoding a video sequence of pictures by generating a first body of data, that he calls the base layer and lower quality video, as well as a second body of data that is dependent upon the video sequence and a reconstructed portion of the first body of data, this he calls this the enhancement layers and higher quality video (Wu: figures 1, 9, 20, and 22; Column 3, lines 17-26; Column 6, lines 48-51; Column 7, lines 17-20). Wu teaches reusing the circuitry for generating the first body of data that generates

the second body of data in Figure 9. The output of Reference numbers 208 and 210 are inputs for the second body of data. Figure 20 shows the decoding operations on the first and second bodies of data. Figure 20 also shows the combing of the first and second bodies of data which is also useful in reusing the circuitry for decoding the first and second bodies of data at Reference points 626 and 622. The output of these reference points shows how they are then inputs to the second body of data. Figure 20 also shows how the output of Reference point 632 combines the clipped data of the first and second bodies of data where the reconstructed portion of the first body of data includes data that have been clipped (Wu: Column 21, lines 37-41; see also Figure 20). Wu further discloses an enhancement residual addition applies only to a final base layer output after a base layer clipping operation and uses only a clipping signal (Wu: figures 20 and 22). While Wu fails to disclose the enhancement processing is independent of any intermediate data in the base layer, Wu does disclose that the enhancement or higher quality layers are predicted form at least the same or lower quality layer, but not necessarily the base layer (Wu: column 7, lines 17-20). The examiner notes that in the cases where multiple enhancement layers are used, as show in Wu's figures 4-5, the enhancement layers can be processed without using information from the base layer. However, Wu fails to disclose performing the clipping operation in the encoder as claimed. Keith teaches that placing clipping functions in the encoder and decoder loops prevents quantization distortion which causes overflow (Keith: column 1, lines 41-50). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Wu and add the clipping operation in the encoder taught by Keith in order to prevent overflow conditions in the processing system.

As for Claim's 14 and 19, Wu et al. teaches that the units of the second bodies of data include a block of video data (Wu: Column 10, lines 14-28).

As for Claim's 13 and 18, Wu et al. teaches a method and instructions to determine the difference between the source video sequence and the reconstructed portion of the first body of data (Wu: figures 20 and 21; Column 21, lines 8-15; Column 22, lines 10-17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/
Primary Examiner, Art Unit 2621